

Remarks

Applicant respectfully requests that this Amendment After Final Action be admitted under 37 C.F.R. § 1.116.

Applicant submits that this Amendment presents claims in better form for consideration on appeal. Furthermore, applicant believes that consideration of this Amendment could lead to favorable action that would remove one or more issues for appeal.

Claims 1, 2, 15 and 16 have been amended. No claims have been canceled. Therefore, claims 1-28 are now presented for examination.

Claims 1-7, 12-21, and 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Franzdonk (U.S. Pub. No. 2005/0021467), in view of Richard et al. (U.S. Pub. No. 2005/0015461). Applicant submits that the present claims are patentable over Franzdonk in view of Richard.

Franzdonk discloses a content distribution system comprising a distribution process and a delivery process. Within the distribution process, multiple content providers (e.g., a content producer or owner) distribute content via a network (e.g., the Internet (wireless or wired)) to content distributors (or distribution points). The distribution of content from a content provider to a content distributor may be as a multicast via satellite, as this provides an economic way to distribute content to a large number of content distributors. See Franzdonk at Paragraph [0045]. The content distributor hosts a local content server and a digital rights agent. Alternatively, the digital rights agent may be located remotely from the content distributor, and accessed by the content distributor via the network. The local content server may again be a streaming

Docket No.: 005545.P056
Application No.: 10/782,009

media server that streams cached (or freshly received) media. The digital rights agent operates to provide intelligent content and revenue security to content providers by processing access and revenue criteria, personalizing content for delivery to a content destination, and personalizing and managing key delivery to a content destination. Broadly, the digital rights agent 28 operates securely to authenticate a content destination (e.g., utilizing secure tokens and X.509 certificates), securely to retrieve and cache product key information and content rights (e.g., access criteria), and to forward processed transactions to a commerce service provider (e.g., a CRM operator) that provides billing and clearance services. For example, a digital rights agent may evaluate a content request, received at the content distributor 20 from a content destination, based on access criteria specified by a content provider, local date and time information, and user credentials and authentication. If a content destination is authorized and/or payment is cleared, requested content might optionally be decrypted, personally watermarked, personally re-encrypted and delivered to the content destination (Paragraph [0045]).

Richard discloses that renaming of a file can create a different file signature in prior art systems and a request for file information. See Richard at Paragraph [0076].

Claim 1 of the present application recites encoding dynamic information into a name portion to generate an encoded name and modifying the name portion of a file to include the encoded name while preserving a digitally signed data portion.

Applicant submits that neither Franzdonk nor Richard discloses or suggests encoding information into a name portion and modifying the name portion of a file to include the encoded name while preserving a digitally signed data portion. Because both Franzdonk and Richard fail to disclose or suggest such a limitation, any combination of

Franzdonk and Richard would fail to disclose or suggest the limitation. Therefore, claim 1 and its dependent claims are patentable over Franzdonk in view of Richard.

Independent claim 15 includes features similar to those recited in claim 1. Thus, claim 15 and its dependent claims are patentable over Franzdonk in view of Richard for the reasons discussed above with respect to claim 1.

Claims 8-11 and 22-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Franzdonk in view of Richard, and in further view of Pou et al. (U.S. Pub. No. 2005/0004873). Applicant submits that the present claims are patentable over Franzdonk and Richard even in view of Pou.

Pou discloses techniques and systems for managing digital rights can be implemented to protect against unauthorized copying of digital content and to help ensure payment to content owners and distributors. Digital wrappers can be applied to data files to prevent access without a valid authorization. Information relating to authorizations to access data files and/or keys for accessing the data files may be stored and retrieved using data stored in a non-volatile storage area of a user device. Software on the user device can be used to recognize files and to apply digital wrappers to recognized files. See Pou at Abstract.

Nonetheless, Pou does not disclose or suggest encoding information into a name portion and modifying the name portion of a file to include the encoded name while preserving a digitally signed data portion. As discussed above, both Franzdonk and Richard fail to disclose or suggest such a limitation. Therefore, any combination of Franzdonk, Richard and Pou would fail to disclose or suggest the limitation. As a result, the present claims are patentable over the combination of Franzdonk, Richard and Pou.

Docket No.: 005545.P056
Application No.: 10/782,009

Applicant submits that the rejections have been overcome, and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 11/7/07

Mark L. Watson
Reg. No. 46,322

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(303) 740-1980

Docket No.: 005545.P056
Application No.: 10/782,009